

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SERAFIN COLON,	:	
	:	
Petitioner,	:	
	:	20 Civ. 2263 (LGS)
-against-	:	
	:	<u>ORDER</u>
THE CITY OF NEW YORK, ET AL.,	:	
	:	
Respondents.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 12, 2020, Petitioner filed a petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (the “Petition”).

WHEREAS, on June 18, 2020, this matter was referred to Magistrate Judge Kevin Nathaniel Fox for the purpose of habeas corpus.

WHEREAS, on May 3, 2021, Judge Fox issued a Report and Recommendation (the “Report”), recommending that the unexhausted claims in the Petition be dismissed and that the remaining claims be denied.

WHEREAS, as stated in Judge Fox’s Report, the deadline for any objections was fourteen days from service of the Report.

WHEREAS, no objections were timely filed.

WHEREAS, in reviewing a Magistrate Judge’s report and recommendation, a District Judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; *accord U.S. Sec. and Exch. Comm’n v. Skelley*, No. 18 Civ. 8803, 2021 WL 1164594, at \*1 (S.D.N.Y. Mar. 26,

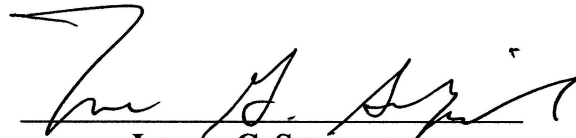
2021).

WHEREAS, the Court finds no clear error on the face of the record as to the recommendation to dismiss the unexhausted claims and to deny the exhausted claims. It is hereby

**ORDERED** that the Report is ADOPTED. The unexhausted claims are dismissed, and the Petition is denied.

The Clerk of Court is respectfully directed to close the case and mail a copy of this Order to pro se Plaintiff.

Dated: May 24, 2021  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**